

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL DUNTAE FAGANS,

Plaintiff,

v.

**CRAIG L BASS, CARL DORROUGH,
DAVID BRABHAM, FNU WHITEHEAD,**

Defendants.

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CIVIL ACTION NO. 6:18-CV-00436-RAS

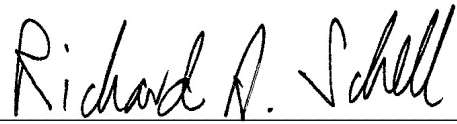
ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On March 25, 2019, the Magistrate Judge issued his Report and Recommendation (Doc. No. 14), recommending the above-styled civil action be dismissed with prejudice to the claims being asserted again until such time as Fagans can show that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus. Plaintiff, proceeding *pro se* and *in forma pauperis*, filed Objections (Doc. No. 20) to the Report and Recommendation. Generally speaking, Plaintiff argues that *Heck v. Humphrey*, 515 U.S. 477 (1994), does not supersede rights granted to Plaintiff under the United States Constitution. (Doc. No. 20.) Plaintiff also rehashes the merits of his claim. (Doc. No. 20.)

The Court conducted a *de novo* review of the portions of the Magistrate Judge's findings to which objections have been raised and finds that the Magistrate Judge's findings and conclusions are correct. 28 U.S.C. § 636(b)(1). Accordingly, the Court **OVERRULES** Plaintiff's Objections (Doc. No. 20) and **ADOPTS** the Magistrate Judge's Report and Recommendation

(Doc. No. 14) as the findings of the Court. The above-styled case is **DISMISSED WITH PREJUDICE** to the claims being asserted again until such time as Plaintiff can show that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus.

SIGNED this the 17th day of June, 2019.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, more compact script. The last name "Schell" is written with a large, sweeping "S" and a distinct "ll" at the end.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE